

AMENDED IN ASSEMBLY MARCH 30, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2020

Introduced by Assembly Member Obernolte

February 16, 2016

An act to amend ~~Section~~ *Sections 2020.410 and 2025.270* of the Code of Civil Procedure, relating to depositions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2020, as amended, Obernolte. Discovery: depositions.

Existing law provides that a deposition subpoena that commands only the production of business records for copying shall command compliance on a date that is no earlier than 20 days after the issuance, or 15 days after the service, of the subpoena, whichever is later. Existing law also provides that a deposition to produce personal records of a consumer or employment records of an employee must be scheduled at least 20 days after the issuance of the subpoena.

This bill would instead require a deposition subpoena commanding the production of business records to command compliance at least 15 days after the service of the subpoena. It would also require ~~the~~ a deposition to produce personal records of a consumer or employment records of an employee to be scheduled ~~no earlier than 20 days after the issuance, or 15~~ at least 20 days after ~~the service,~~ service of the deposition subpoena, ~~whichever date is later.~~ subpoena.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 2020.410 of the Code of Civil Procedure*
2 *is amended to read:*

3 2020.410. (a) A deposition subpoena that commands only the
4 production of business records for copying shall designate the
5 business records to be produced either by specifically describing
6 each individual item or by reasonably particularizing each category
7 of item, and shall specify the form in which any electronically
8 stored information is to be produced, if a particular form is desired.

9 (b) Notwithstanding subdivision (a), specific information
10 identifiable only to the deponent's records system, like a policy
11 number or the date when a consumer interacted with the witness,
12 is not required.

13 (c) A deposition subpoena that commands only the production
14 of business records for copying need not be accompanied by an
15 affidavit or declaration showing good cause for the production of
16 the business records designated in it. It shall be directed to the
17 custodian of those records or another person qualified to certify
18 the records. It shall command compliance in accordance with
19 Section 2020.430 on a date that is ~~no earlier than 20 days after the~~
20 ~~issuance, or at least 15 days after the service, service of the~~
21 ~~deposition subpoena, whichever date is later.~~ *subpoena.*

22 (d) If, under Section 1985.3 or 1985.6, the one to whom the
23 deposition subpoena is directed is a witness, and the business
24 records described in the deposition subpoena are personal records
25 pertaining to a consumer, the service of the deposition subpoena
26 shall be accompanied either by a copy of the proof of service of
27 the notice to the consumer described in subdivision (e) of Section
28 1985.3, or subdivision (b) of Section 1985.6, as applicable, or by
29 the consumer's written authorization to release personal records
30 described in paragraph (2) of subdivision (c) of Section 1985.3,
31 or paragraph (2) of subdivision (c) of Section 1985.6, as applicable.

32 ~~SECTION 1.~~

33 **SEC. 2.** *Section 2025.270 of the Code of Civil Procedure is*
34 *amended to read:*

35 2025.270. (a) An oral deposition shall be scheduled for a date
36 at least 10 days after service of the deposition notice.

37 (b) Notwithstanding subdivision (a), in an unlawful detainer
38 action or other proceeding under Chapter 4 (commencing with

1 Section 1159) of Title 3 of Part 3, an oral deposition shall be
2 scheduled for a date at least five days after service of the deposition
3 notice, but not later than five days before trial.

4 (c) Notwithstanding subdivisions (a) and (b), if, as defined in
5 Section 1985.3 or 1985.6, the party giving notice of the deposition
6 is a subpoenaing party, and the deponent is a witness commanded
7 by a deposition subpoena to produce personal records of a
8 consumer or employment records of an employee, the deposition
9 shall be scheduled for a date ~~that is no earlier than~~ *at least* 20 days
10 after the ~~issuance, or 15 days after the service,~~ *service* of the
11 deposition subpoena, ~~whichever date is later.~~ *subpoena.*

12 (d) On motion or ex parte application of any party or deponent,
13 for good cause shown, the court may shorten or extend the time
14 for scheduling a deposition, or may stay its taking until the
15 determination of a motion for a protective order under Section
16 2025.420.